

**§ 35.1605-5**

**40 CFR Ch. I (7-1-04 Edition)**

**§ 35.1605-5 Eutrophic lake.**

A lake that exhibits any of the following characteristics:

- (a) Excessive biomass accumulations of primary producers;
- (b) Rapid organic and/or inorganic sedimentation and shallowing; or
- (c) Seasonal and/or diurnal dissolved oxygen deficiencies that may cause obnoxious odors, fish kills, or a shift in the composition of aquatic fauna to less desirable forms.

**§ 35.1605-6 Trophic condition.**

A relative description of a lake's biological productivity based on the availability of plant nutrients. The range of trophic conditions is characterized by the terms of oligotrophic for the least biologically productive, to eutrophic for the most biologically productive.

**§ 35.1605-7 Desalinization.**

Any mechanical procedure or process where some or all of the salt is removed from lake water and the freshwater portion is returned to the lake.

**§ 35.1605-8 Diagnostic-feasibility study.**

A two-part study to determine a lake's current condition and to develop possible methods for lake restoration and protection.

(a) The diagnostic portion of the study includes gathering information and data to determine the limnological, morphological, demographic, socio-economic, and other pertinent characteristics of the lake and its watershed. This information will provide recipients an understanding of the quality of the lake, specifying the location and loading characteristics of significant sources polluting the lake.

(b) The feasibility portion of the study includes:

- (1) Analyzing the diagnostic information to define methods and procedures for controlling the sources of pollution;
- (2) Determining the most energy and cost efficient procedures to improve the quality of the lake for maximum public benefit;
- (3) Developing a technical plan and milestone schedule for implementing pollution control measures and in-lake restoration procedures; and

(4) If necessary, conducting pilot scale evaluations.

**§ 35.1605-9 Indian Tribe set forth at 40 CFR 130.6(d).**

A Tribe meeting the requirements set forth at 40 CFR 130.6(d).

[54 FR 14359, Apr. 11, 1989, as amended at 56 FR 13817, Mar. 23, 1994]

**§ 35.1610 Eligibility.**

EPA shall award cooperative agreements for restoring publicly owned freshwater lakes only to the State agency designated by the State's Chief Executive. The award will be for projects which meet the requirements of this subchapter.

**§ 35.1613 Distribution of funds.**

(a) For each fiscal year EPA will notify each Regional Administrator of the amount of funds targeted for each Region through annual clean lakes program guidance. To assure an equitable distribution of funds the targeted amounts will be based on the clean lakes program which States identify in their State WQM work programs.

(b) EPA may set aside up to twenty percent of the annual appropriations for Phase 1 projects.

**§ 35.1615 Substate agreements.**

States may make financial assistance available to substate agencies by means of a written interagency agreement transferring project funds from the State to those agencies. The agreement shall be developed, administered and approved in accordance with the provisions of 40 CFR 33.240 (Intergovernmental agreements). A State may enter into an agreement with a substate agency to perform all or a portion of the work under a clean lakes cooperative agreement. Recipients shall submit copies of all interagency agreements to the Regional Administrator. If the sum involved exceeds \$100,000, the agreement shall be approved by the Regional Administrator before funds are released by the State to the substate agency. The agreement shall incorporate by reference the provisions of this subchapter. The agreement shall specify outputs, milestone schedule, and the budget required to perform the associated work in the